

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing Food Assistance Program (FAP) recipient and a Medical Assistance (MA) recipient under the AD Care category.
2. The Claimant receives bi-weekly unemployment compensation in the gross amount of [REDACTED]
3. The Claimant [REDACTED] \$391.
4. On [REDACTED], the Department notified the Claimant that it would terminate her Medical Assistance (MA) under the AD Care category as of [REDACTED] due to excess income.
5. On [REDACTED] the Department notified the Claimant that she was eligible to receive [REDACTED] of Food Assistance Program (FAP) benefits.
6. The Department received the Claimant's request for a hearing on [REDACTED] allotment.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department), administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

On [REDACTED] the Department notified the Claimant that it would terminate her Medical Assistance (MA) under the AD Care category due to excess income, and that she was eligible to receive [REDACTED] of Food Assistance Program (FAP) benefits.

The Claimant applied for Food Assistance Program (FAP) benefits as a group of three. The Department determined that the Claimant receives unearned income in the gross monthly amount of [REDACTED]. The income limit to participate in the AD Care program is [REDACTED].

The Department's representative testified that the Claimant receives unemployment compensation of a bi-weekly benefit of [REDACTED] and social security benefits in the monthly amount of [REDACTED]. [REDACTED] monthly conversion factor is applied to the bi-weekly unemployment compensation, this produces a monthly income of [REDACTED] which results in a total monthly unearned income of [REDACTED] when added to the social security benefits.

The Department has the burden of proving that its actions were a proper application of its policies. The Department had a duty to present the following:

- An explanation of the action(s) taken.
- A summary of the policy or laws used to determine that the action taken was correct.
- Any clarifications by central office staff of the policy or laws used.
- The facts which led to the conclusion that the policy is relevant to the disputed case action.

The DHS procedures ensuring that the client received adequate or timely notice of the proposed action and affording all other rights. BAM 600

The Department failed to establish how it determined that the Claimant receives a gross monthly unearned income in the gross monthly amount of [REDACTED]. A person with a gross monthly income of [REDACTED] is potentially eligible to receive AD Care benefits and an increased monthly allotment of FAP benefits. Therefore, the Department has failed to establish that it properly determined the Claimants eligibility for MA and FAP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has failed to establish that it properly determined the Claimant's eligibility for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

Accordingly, the Department's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility determination are REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) as of [REDACTED]
2. Initiate a determination of the Claimant's eligibility for the Medicare Savings Program as of [REDACTED]
3. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) as of [REDACTED]
4. Provide the Claimant with written notification of the Department's revised eligibility determination.
5. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

_____/s/_____
[REDACTED]

Date Signed: _____

Date Mailed: _____

